



“The City With a Heart”

Larry Franzella, Mayor
Rico Medina, Vice Mayor
Ken Ibarra, Councilmember
Irene O’Connell, Councilmember
Jim Ruane, Councilmember

MINUTES

CITY COUNCIL REGULAR MEETING

May 9, 2006

7:00 p.m.

A reception for the new City Treasurer, John E. Marty was held immediately prior to the City Council Meeting at 6:45 pm.

THIS IS TO CERTIFY THAT: The San Bruno City Council met in regular session on May 9, 2006 at the San Bruno Senior Center, 1555 Crystal Springs Road. The meeting was called to order at 7:00 p.m.

Mayor Franzella thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

1. ROLL CALL: Presiding was Mayor Franzella with Councilmembers, Medina, Ruane, Ibarra and O’Connell in attendance. Recorded by City Clerk Bonner.

PLEDGE OF ALLEGIANCE: Led by Finance Director O’Leary.

City Clerk Bonner recommends the City Council **adopt resolution** confirming the special appointment of John E. Marty as City Treasurer.

Councilmember Ruane introduced the resolution for adoption with a roll call vote of all ayes.

City Clerk Bonner administered the **Oath of Office** and presented the **Certificate of Appointment** to newly appointed City Treasurer, **John E. Marty**.

Treasurer Marty addressed the Mayor, Council, City Manager, City Attorney, City Clerk and distinguished guests by thanking them for the confidence placed in him.

ANNOUNCEMENTS:

Mayor Franzella advised of the book sale at the San Bruno Library on Saturday, May 20 from 10:00 a.m. to 4:00 p.m. being handled by the Friends of the Library.

Mayor Franzella reminded the public of the **66th Annual “Posy Parade”** sponsored by the San Bruno Lions Club will be held Sunday, June 4, 2006. This year’s theme is **SAN BRUNO HONORS OUR VETERANS**.

Mayor Franzella said on June 3, 2006, 11:00 a.m. there will be a rededication and renaming ceremony of the current War Memorial Building in San Bruno’s City Park.

Councilmember Ruane said this is a dedication the City has been looking after for a long time. Congressman Lantos will be present and a lot of veterans and everyone is invited to join in.

Councilmember Medina added it would be at 11:00 am, in front of the recreation center at San Bruno Park.

PRESENTATIONS: None.

2. REVIEW OF AGENDA: None.

3. APPROVAL OF MINUTES: Correction to Item 14 of the minutes to provide direction regarding anticipated litigation pursuant to Gov't Code Section 54956. M/S O'Connell/Ruane approved the remainder, passed with a unanimous vote.

4. CONSENT CALENDAR:

- a. **Approve:** Payroll of April 19, 2006.
- b. **Approve:** Accounts Payable of April 17 and 24, 2006.
- c. **Waive:** Second Reading and Adopt Ordinance Amending Chapter 7.20 of the Municipal Code and Adopting Speed Zone Changes by Approval of Engineering and Traffic Study.
- d. Hold Public Hearing and Adopt Resolution Ordering Amendment to the City of San Bruno Classification Plan by Amending Position Description for Fire Captain Position. Moved to Public Hearing.
- e. **Adopt:** Resolution Authorizing Certain Officials and Employees to Sign Checks and Warrants on Behalf of the City of San Bruno.

Mayor Franzella asked Item c. be pulled and rescheduled because of improper notice and Item d. was inadvertently placed on the Consent Calendar when it should be under Public Hearing.

Alan Lubke, Fleetwood Dr., asked about Item 4.c.

Mayor Franzella suggested Mr. Lubke speak on Item 4.c. when it is rescheduled.

Alan Lubke said he would speak on the item under public comment.

M/S Ibarra/Medina to approve the remainder of the consent items, passed with a unanimous vote.

5. PUBLIC HEARINGS:

- a. Hold Public Hearing, Waive First Reading, and Introduce Ordinance Adding New Chapter 4.20 (Regulation of Vehicle Vendors) to Title 4 (Licenses and Regulations); And Adding New Section 3.04.280 (Vehicle Vendors) to Chapter 3.04 (Definitions) and New Section 3.16.125 (Vehicle Vendors) to Chapter 3.16 (Schedule of Taxes) to Title 3 (License and Regulations) of the San Bruno Municipal Code.

City Attorney Thompson gave a summary of the staff report, which included limiting vehicle vendors to 30 minutes at any one location and the vendors must move a distance of not less than 500 feet between stops and may not return to the same place within three hours.

Councilmember Ibarra asked if these vehicles were only allowed in non-residential areas?

City Attorney Thompson said they could go anywhere, unless there is a safety concern.

Councilmember Ibarra said he liked the idea of the visibility of permits and he hoped those vehicle vendors applying would be thoroughly informed of all conditions and restrictions.

M/S Ruane/Medina to close Public Hearing and passed by a unanimous vote.

M/S Ruane/Ibarra waived the first reading and passed with a unanimous vote.

Councilmember Ruane introduced the ordinance for adoption with a roll call vote of all ayes.

b. Hold Public Hearing, Waive First Reading, and Introduce Ordinance Containing a Proposed 3.22% Rate Increase Requested by San Bruno Garbage Company for 2006-07 to be effective on July 1, 2006.

Finance Director O’Leary gave an overview of the San Bruno Garbage Company’s franchise agreement, which allows for annual adjustments to the rates charged for services for garbage in San Bruno. A 3.22 rate increase on a 32-gallon residential totter increases the rate from the current \$18.34 to \$18.93. The larger totters’ increases are proportionate to the 32 gallon.

M/S Ibarra/Ruane to close Public Hearing and passed with a unanimous vote.

Councilmember Medina asked Mario Puccinelli how our rates compared to surrounding cities.

Mario Puccinelli, San Bruno Garbage, said San Bruno fairs very favorably. He said he believes the current rates for Millbrae are \$19.90, SSF is \$19.47, Pacifica is \$27.99; the proposed San Bruno rate of \$18.93 is still the lowest in the area.

M/S Ruane/Medina waived the first reading and passed with a unanimous vote.

Councilmember Ruane introduced the ordinance for adoption with a roll call vote of all ayes.

Mario Puccinelli thanked City Manager Jackson and Finance Director O’Leary and their staff. He announced a proposed future enhancement for the garbage company would be a single-stream recycling.

Councilmember Ibarra asked for an explanation of single-stream recycling.

Mario Puccinelli said a recycling system, which takes all recycling materials into one totter can.

c. (Moved from Consent Calendar). Hold Public Hearing and Adopt Resolution Ordering Amendment to the City of San Bruno Classification Plan by Amending Position Description for Fire Captain Position. Moved to Public Hearing.

Human Resources Manager Yuki reviewed the staff report and asked Council adopt the resolution.

M/S Medina/Ruane to close Public Hearing and passed with a unanimous vote.

Councilmember Ibarra introduced the resolution for adoption with a roll call vote of all ayes.

6. UNFINISHED BUSINESS:

a. Appoint citizens to fill vacancies on the San Bruno Community Preparedness Committee, Parks & Recreation Commission and the Personnel Board.

Mayor Franzella said they would take the first Commission and ask for any nominations from Council and then call the vote on those nominations.

Community Preparedness Committee – Councilmember O’Connell nominated **Carol Gilliam-Fair**, seconded by Rico Medina. M/S Ruane/O’Connell, and passed with a unanimous vote.

Parks & Recreation Commission – Councilmember O’Connell nominated Laura Davis, seconded by Jim Ruane. Councilmember Ibarra nominated Bill Bishop. Mayor Franzella nominated Al Steenvoorde. **Laura Davis** was appointed by a vote of three.

Personnel Board – Councilmember Medina nominated Dave Thomas. Councilmember O’Connell nominated Dayana Gonzalez. **Dave Thomas** was appointed by a vote of four.

Mayor Franzella thanked all those who applied.

7. CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACT:

a. Adopt Resolution Retracting the Contract Award to Pump Repair Service Company, Authorizing the City Manager to Execute a Contract with Maggiora Bros. Drilling Inc. for the Well 15 and Well 18 Pump and Motor Installation Project in the Amount of \$208,400. and Authorizing a Total Construction Budget in the Amount of \$229,240.

Interim City Engineer Chris Coles gave an overview of the staff report and asked for Council’s approval.

Councilmember O’Connell asked if in future contracts there is a penalty clause if you don’t meet a reasonable timeframe of compliance with the contract?

City Attorney Thompson said when circumstances are warranted; there is a bid bond that can be used by the City for those in non-compliance.

Councilmember O’Connell said she read that in the staff report, is there something else that can be done.

City Attorney Thompson said there are also performance bonds, but it is circumstantial.

Councilmember O’Connell asked if there something to take care of the circumstances of this contract.

City Attorney Thompson said those were normal protections not worthy of being pursued in this instance.

Councilmember O’Connell said there was nothing that could be added on.

City Attorney Thompson concurred.

Councilmember Ibarra said we need to use the best materials and technology.

Councilmember O’Connell introduced the resolution for adoption with a roll call vote of all ayes.

b. Adopt Resolution Approving Agreement with Turbo Data Systems, Inc for Parking Citation Processing and Collection Services Beginning in 2006-07 at an Annual Cost of \$28,500.

Finance Director O’Leary gave an overview of the staff report and asked for Council’s approval.

Councilmember Ibarra asked about the difference between handwritten and electronic citations and how they are absorbed.

Finance Director O’Leary said these are actually shown as an expense. The contract with Turbo Data is an item on the expenditure side of the Police Dept. budget but revenue from the parking tickets the City receives. In that sense it does come out of the revenue generated from the tickets.

Councilmember Ruane introduced the resolution for adoption with a roll call vote of all ayes.

Alan Lubke, Fleetwood Dr., said he was happy to see the process of tickets has been taken away from the County. He commented on the fact there were no complaints regarding Turbo Data Systems and asked the process for getting information about complaints to the City so the contract can appropriately be reviewed.

Mayor Franzella said they have an 800 number operating twenty-four hours a day with operators, including Spanish speaking operators, available during business hours, printed on the citations.

Alan Lubke said Turbo Data Systems should be required by this body to report to you about all the complaints they have received.

Councilmember O’Connell introduced the resolution for adoption with a roll call vote of all ayes.

c. Adopt Resolution Authorizing the City Manager to Enter into a Sole Source Purchase Agreement with Checkpoint Systems for the Purchase of one Self-Check Unit in the Amount of \$25,775 with a Three-Year Maintenance Agreement in the Amount of \$6,736. for a Total of \$32,511.

Library Director Jackson outlined the process used to evaluate and recommend the Library purchase a self-check unit. San Bruno is the last City in San Mateo County not to have one of these units.

Councilmember Ibarra commented each time he has used a self-check unit he has had a problem.

Library Director Jackson said her staff would be very involved in seeing it works correctly.

Councilmember Medina introduced the resolution for adoption with a roll call vote of all ayes.

8. COMMUNICATIONS:

Councilmember O’Connell reiterated the concerns regarding telecommunications, Federal Bill 5252. One of the things the Federal bill would do along with the State bill would eliminate local control of our right-of-ways so any company who comes in would have the legal right to put their big boxes wherever they liked. This bill would also change how they calculate the gross receipts, which in turn changes what kind of franchise fees we could collect. Presently San Bruno sets their own franchise fees and we collect it from our own company. This bill would also prohibit us from providing internet service; so within thirty days of the passing of this bill, San Bruno’s internet service would be shut down. She asked everyone write to the representatives voting on this bill.

Councilmember Ibarra elaborated on the consequences of the bill passage

Mayor Franzella said the competition is minor, it is when there is an unfair competition and they don’t have to provide equal service to the entire community; they can provide it to demographic segments they feel can better afford it and completely avoid other sections. We will have no control if this bill is passed. He said they needed to prepare a letter signed by all five Council members.

Councilmember Medina echoed what the others had said. He advised citizens contact their representatives as well.

Councilmember O’Connell said if there were any complaints they would have to go to the FAA, no local office.

9. STAFF REPORTS:

- a. Adopt Resolution to Summarily Vacate an Unused Portion of an Existing Unused Public Utility Easement on Property Located at 1940 Claremont Drive.

Interim City Engineer Coles said the owners of the property at 1940 Claremont Dr. have stated in writing they have no opposition to vacate an unused portion of an easement at the rear of the property.

Mayor Franzella pointed out this is half the easement, there is still an easement running the same distance.

Councilmember Ruane introduced the resolution for adoption with a roll call vote of all ayes.

Councilmember Ibarra asked if it was just this parcel being vacated?

Interim City Engineer Coles said each parcel has to apply for a vacation on its own.

- b. Provide Direction to Staff Regarding Amendments to Chapter 11.26 (Abatement of Dangerous Buildings) to Provide for Notice of Dangerous Building and to Chapter 5.08 (Nuisance Enforcement, Nuisance Abatement, and Cost Recover) to Provide for Notice of Substandard Condition.

City Attorney Thompson requested direction from the Council whether to draft an ordinance requesting modifications to the City Code to will provide an additional tool to the City's code enforcement effort.

Mayor Franzella recommended consideration of the fee structure be brought back along with the ordinance.

Councilmember O'Connell commented on how to get people's attention that may not be selling their house or looking at refinancing and they don't really care if we put a lien on their property.

City Attorney Thompson said there is the nuisance abatement code, which can be used in certain instances.

Councilmember Ibarra said there are people who don't understand and then there are people who purposely know what they are doing. He said it should be kept simple.

City Attorney Thompson your asking violators get adequate notice, not only of the violation but the remedies that can be utilized against them.

Councilmember Ibarra said reasonable people take notice.

Councilmember Ruane asked where does this tie in with sidewalks?

City Attorney Thompson said there was a separate process for abating conditions on sidewalks; the property owner is responsible to repair them.

Councilmember Ruane felt a lot of people were not aware they are responsible for the sidewalks. He said if we were going to do something maybe we could piggyback one thing on another.

10. REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None

11. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Rose Urbach, Euclid Ave., asked about when the Council Chambers would return to City Hall. She also asked about sidewalk repairs and the Carl Sandburg School site.

Alan Lubke, Fleetwood Dr., thanked Police Chief Violet for more than satisfactorily answering his questions from the last meeting he attended. He talked about the proposed speed changes on Herman Dr. from 35 mph to 30 mph and said he felt they should be reduced to 25. He asked how much it cost the City of San Bruno to have a safe and sane fireworks program; i.e., overtime and such other costs.

Robert Riechel, 7th Ave., complimented the City on the clean-up work that has been done in his area.

Bill Goff, Maple Ave., said there would be a memorial service for Edith McClurg on 2:00 this Saturday at the Senior Center.

12. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

Councilmember O’Connell said they will be doing a video of Operation Clean Sweep at the first Council meeting in June and she thanked everyone who came out.

Councilmember Ibarra said the Airport Roundtable is going to be celebrating twenty-five years of service. There will be a party on June 7 at the Museum at the International Airport. More details will follow.

Councilmember Ibarra asked the City look into closing the City Park Road that travels back to Beckner Shelter when the Park is closed. He said with parking being available, people stay in the park late at night. He asked that staff look into late night loitering in City Park

Mayor Franzella asked staff to bring back a report.

13. NEW BUSINESS:

14. ADJOURNMENT:

Mayor Franzella adjourned the meeting with a moment of silence in memory of **Larry Mobley**, who passed away on Monday, May 8. He was an executive of San Bruno’s Chamber of Commerce, served as President of that organization, opened a business and was a managing partner with Lease Mobile, San Bruno Leasing, Merit Leasing, served on the Planning Commission, was very active in Rotary and served as their President. Larry was a model businessman, model citizen and true gentlemen.

The next regular City Council meeting will be held on May 23, 2006, 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval
at the regular City Council Meeting of
May 23, 2006.

Carol Bonner, City Clerk

Larry Franzella, Mayor